

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36446

STATE OF IDAHO,	)	2010 Unpublished Opinion No. 303
	)	
Plaintiff-Respondent,	)	Filed: January 8, 2010
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
CLARENCE KNIGHT, JR.,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Renae J. Hoff, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Sara B. Thomas, Chief, Appellate Unit, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge; GRATTON, Judge;  
and MELANSON, Judge

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PER CURIAM

Clarence Knight, Jr. pled guilty to felony driving under the influence. I.C. §§ 18-8004, 18-8005. The district court sentenced Knight to a unified term of ten years, with a minimum period of confinement of five years, to run concurrent with an unrelated sentence. Knight filed an I.C.R. 35 motion, which the district court denied. Knight appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the

motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including the new information submitted with Knight's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Knight's Rule 35 motion is affirmed.